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MEMO ENDORSED

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November 28, 2007

Hon. Richard M. Berman
United States Courthouse
500 Pearl Street, Courtroom 14A
New York, NY 10007

Via Fax No. (212) 805-6717

Re: Pesnell v. Viacom International et al,
Case No. 07-CV-9523 (RMB)

Dear Judge Berman:

The above referenced case is set for an initial pre-trial conference on November 29, 2007, however, not all parties have made an appearance. Spherion Inc., a defendant, was served with process, however, they have yet to file an answer or a dispositive motion.

Therefore, after consulting with counsel for Viacom, we are requesting a postponement of said conference until Spherion appears in this action. Furthermore, counsel for Viacom has indicated that En Point Technologies will be impleaded before the end of this week as party to this action. Therefore, we are requesting a further postponement of the conference until the impleaded party has also made an appearance in this action.

USDC SDNY
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Respectfully submitted,

Locksley O. Wade, Esq.

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CONFERENCE ADJOURNED UNTIL
1/7/08 AT 9:00 A.M.

SO ORDERED:

Date: 11/28/07

Richard M. Berman, U.S.D.J.